

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:21 MJ 317 DDN
)	
CODY STEVEN RUSH,)	
)	
Defendant.)	

MOTION FOR PRETRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Matthew T. Drake, Assistant United States Attorney for said District, and moves the Court to order defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, et seq.

As and for its grounds, the Government states as follows:

1. Defendant is charged with 18 U.S.C. § 844 (Interstate Communication of Threats) and 18 U.S.C. § 875(c) (Interstate Communication of Threats), both of which are crimes of violence within the meaning of 18 U.S.C. § 3156(a)(4).

2. Pursuant to Title 18, United States Code, Section 3142(g),

(a) the weight of the evidence against defendant;

The evidence in this case consists of statements the defendant made directly to law enforcement officers, and that in subsequent conversations with law enforcement officers, the defendant himself repeatedly corroborated having made. The defendant has repeatedly and

unambiguously confirmed the substance of the threatening communications that are the basis for the criminal charges in this matter.

(b) defendant's history and characteristics, to wit:

On October 14, 2015, the defendant was convicted of First-Degree Property Damage in Bollinger County Circuit Court in violation of RSMO 569.100 in Cause No. 15B0CR0006101. On February 6, 2014, the defendant was convicted of Criminal Damage to Property Greater than \$300 in violation of 720 ILCS 5.0/21-1-a in Franklin County, Illinois Circuit Court in Cause No. 14CM00000007. On November 3, 2016, the defendant was found Not Guilty by Reason of Insanity of Hate Crime/Intimidation/Stalking in violation of 720 ILCS 5/12-7.1 in Wayne County, Illinois Circuit Court in Cause No. 16CF00000103.

On August 8, 11, 2021, the defendant was convicted of making Terroristic Threats and Acts in violation of 16-11-37 GA Criminal Damage to Property, Second Degree, in violation of 16-7-23 GA, in Cause No. 20-CR-216 in Worth County, Georgia Superior Court. and Arson First Degree, in violation of 16-7-60(c) GA, in Cause No. 20-CR-173 in Worth County, Georgia Superior Court. The defendant was sentenced to five years of probation in connection with these offenses. Additionally, on June 30, 2021, while the charges in Cause No. 20-CR-216 were pending against the defendant, the defendant was charged in a separate case with additional counts of making Terroristic Threats and Acts in Cause No. 21-CR-99 in Worth County, Georgia Superior Court.

In addition to these charges, warrants remain outstanding for charges of Criminal Damage to Property, Second Degree, in violation of 16-7-23 GA, and Arson First Degree, in violation of 16-7-60(c) GA, in Cause No. 20-CR-173 in Worth County, Georgia Superior Court. As the defendant's criminal history demonstrates, the defendant has a history of violent and threatening

acts. Further, he was on probation at the time of the instant offenses charged in this District, indicating he is not amenable to supervision.

(c) the nature and seriousness of the danger to any person or the community that would be posed by defendant's release warrant defendant's detention pending trial.

The defendant is charged with threatening to kill people by slashing their throats or bombing the building where the individuals he was targeted were located. Posing a danger to the community is intrinsic to the criminal offenses with which the defendant is charged. The defendant repeatedly uttered those threats and confirmed to law enforcement officers that he had planned to carry out his threats. Further, on October 13, 2021, the defendant was observed outside out the early childhood care facility of the building he had threatened to bomb. The defendant poses a clear and serious danger to the community if released.

Additionally, there is a serious risk that the defendant will flee if he is released. On November 5, 2021, the defendant was hospitalized in the psychiatric ward of Barnes Jewish Hospital. Prior to his hospitalization on November 5, 2021, Defendant was residing at Allways Kare Residential Facility Incorporated ("the facility"), a long-term residential care facility located in St. Louis, Missouri. Investigators have spoken with the director of that facility, who has indicated that the defendant has been evicted from that facility. The defendant does not presently have a stable home plan or residence, and thus, poses a serious risk of flight.

WHEREFORE, there are no conditions or combination of conditions that will reasonably assure defendant's appearance as required and the safety of any other person and the community and the Government requests this Court to order defendant detained prior to trial, and further to

order a detention hearing three (3) days from the date of defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING
UNITED STATES ATTORNEY

/s/ Matthew T. Drake

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